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November 3, 2022

Via Electronic Filing

Honorable Ronnie Abrams
Thurgood Marshall United States Courthouse
Courtroom 1506
40 Foley Square
New York, New York 10007

**Re: Techtronic Industries Mexico SA de CV v. Maersk A/S, et al.
Case No. 1:22-CV-7521 (S.D.N.Y.) (RA)
Letter Motion for Adjournment of November 4 Telephone Conference**

Dear Judge Abrams –

Plaintiff Techtronic Industries Mexico SA de CV (hereinafter “Plaintiff”), by and through undersigned counsel, respectfully submits this letter motion pursuant to this Honorable Court’s individual practices to request an adjournment of the November 4, 2022 preliminary conference in this matter. Doc. 4 and 5. In support thereof, Plaintiff respectfully shows as follows:

Plaintiff’s Complaint was filed on September 2, 2022. Doc. 1. This matter is a dispute which invokes the Court’s admiralty jurisdiction (and has modest total damages estimated to be less than \$30,000). *Id.* Plaintiff was attempting, without success, to have either Defendants agree to waive formal service of process of the Summons and Complaint (and/or to settle this dispute), to avoid unnecessary costs and fees. The case involves two (2) foreign defendants, which have not yet been served and will require Plaintiff coordinating service pursuant to applicable federal and international service of process rules. Accordingly, Plaintiff respectfully requests that the initial preliminary telephone conference be continued by sixty (60) days to January 4, 2023 (or other date set by the Court). This is the first request for adjournment of conference and is made not for the purposes of delay, but in good faith so that service may be completed and the parties may have additional time to attempt to resolve the pending dispute(s), either in whole or in part.



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Undersigned counsel respectfully apologizes to the Court for not previously updating the Court on service of process or requesting an adjournment of the conference earlier. The original Order for preliminary conference was not properly calendared on the firm system, which counsel takes responsibility for. As this matter is brought pursuant to the Carriage of Goods by Seas Act, which incorporates a strict one (1) year statute of limitations, the undersigned respectfully submits that dismissal of the case prior to completion of service of process would unfairly prejudice Plaintiff's rights due to the inadvertent omission of counsel to calendar the Court's preliminary conference order. Plaintiff would also respectfully request that it be given at least the minimum amount of time to complete service of process as provided for by the Federal Rules of Civil Procedure pursuant to Fed. R. Civ. P. Rule 4(f) and 4(m). Should it become necessary, Plaintiff may seek an additional accommodation of time to serve Defendant(s), through the filing of a motion to extend the time to serve foreign defendants and will include evidence demonstrating its efforts to accomplish service of process abroad. *See, e.g., USHA (India), Ltd. v. Honeywell Int'l Inc.*, 421 F.3d 129, 133-34 (2d Cir. 2005); *see also Moreira v. Ministerio de Economia y Producción de la Republica Argentina*, No. 10 Civ. 266 (LTS)(KNF), 2011 U.S. Dist. LEXIS 161581 at *3 (S.D.N.Y. May 27, 2011).

Should this Honorable Court require, Plaintiff will attend the preliminary telephone conference with the Court tomorrow afternoon, but respectfully submits that it is not yet able to provide the Court with all other requested Joint Report and Case Management Plan/Order in advance of the call because the Defendants have not yet been served and therefore, Plaintiff has not conferred with any counsel on behalf of Defendants.

In advance, we thank the Court for its attention and consideration of the above request.

Application granted. The telephonic initial pretrial conference is hereby adjourned to January 6, 2023 at 10:15 a.m. Call-In Number: (888) 363-4749; Access Code: 1015508#. No later than December 30, 2022, the parties shall file a joint status letter and proposed case management plan. If Plaintiff remains unable to effectuate service, it shall notify the Court no later than January 4, 2023.

Respectfully submitted,

Chalos & Co, P.C.

A handwritten signature in blue ink that reads "B.P. Sparkman".

Briton P. Sparkman

SO ORDERED.

A handwritten signature in blue ink that appears to read "R. Abrams".

Hon. Ronnie Abrams
United States District Judge
11/3/2022